

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

OFFICE DEPOT, INC.)	CASE NO. 1:09-cv-02791
)	
Plaintiff,)	JUDGE SOLOMON OLIVER
)	
v.)	MAGISTRATE JUDGE KENNETH S.
)	McHARGH
)	
IMPACT OFFICE PRODUCTS, LLC, et al.)	PRELIMINARY INJUNCTION JOINT
)	EXHIBIT LIST
Defendants.)	
)	
)	

Plaintiff Office Depot, Inc., (“Office Depot”) and Defendants Impact Office Products

(“Impact”), Brian Kyle (“Kyle”) and Patrick Lavelle (“Lavelle”) hereby request that this Court admit the following list of exhibits, which were authenticated by the parties during the hearing on Office Depot’s Motion for Preliminary Injunction held on October 7, 8, 26 and 27, 2010.

Exhibit List

Exhibit No. Description

1. Brian Kyle Employment Application, 2/13/03;
2. Office Depot Offer Letter to Kyle, 3/8/03;
3. Kyle Non-Compete Agreement, 3/6/03;
4. BDM Global Job Description;
6. Screen Shot of Security Acknowledgement before Login; (OD0000184)
7. Associate Handbook;
8. Code of Ethical Behavior;
11. Kyle’s Resume; (GRN000010-11)
12. Kyle e-mail re: Working Forecast.xls, 4/23/09;
13. Kyle e-mail re: Working Forecast.doc, 4/23/09;
14. Kyle e-mail with Stadell re: Meeting with Tim Flynn , 5/6/09; (GRN000036)
15. Flynn e-mail with Stadell re: Sales Candidate for Cleveland/Pittsburgh, 4/21/09; (GRN000021-22)
16. Flynn e-mail with Stadell re: Another Cleveland Sales Rep, 4/24/09; (GRN000023)

17. Flynn e-mail to Stadell re: Update on Cleveland, 5/4/09; (GRN000031)
18. Stadell e-mail to Flynn re: Offer Letter for Brian and Pat, 5/6/09; (GRN000037)
19. Lavelle e-mail to Stadell re: Offer Letters with attachment titled Guaranteed Business.doc, 5/12/09; (GRN 000045-48)
22. Kyle e-mail to Stadell re OMNOVA, 5/14/09; (GRN 000060-61)
26. Impact offer letter to Kyle, 6/1/09; (GRN 000141-142)
27. Stadell e-mail to FitzPatrick re: Offer – Brian Kyle, 6/2/09; (GRN 000126)
28. Stadell e-mail to FitzPatrick and Flynn re: Airline tickets; (GRN 000131)
29. Kyle e-mail to Gagliardo re: resignation, 6/5/09;
30. FitzPatrick e-mail to Stadell re: Blackberry for Brian and Patrick; (GRN 000159)
31. Kyle Declaration, filed with the Court;
32. Kyle e-mails to Lavelle (Piatek fwd) with various customer information attached, 6/5/09;
33. Kyle e-mails to Stadell re: Impact, 7/24/09, 9/18/09 and 9/21/09; (GRN 000161-162)
36. Document – BDM3 Cleveland Target List; (BKPL 002537-2540)
37. Document – Office Depot US Communities Core Supplies List, effective 3/30/09; (BKPL 002712-2731)
38. Document – Impact advertisement with Office Depot listed; (BKPL 002492)
39. Document – Impact advertisement adopted from Office Depot; (BKPL 003035)
40. Document – Office Depot Rewards Benefit Program; (BKPL 002494)
41. Document – Impact Rewards Benefit Program; (BKPL 003034)
42. Jason Nickerson letter to Kyle, 10/14/09;
43. Kyle e-mail to Pella Window, 11/20/09; (BKPL 003008)
44. Impact Fact Finding Questionnaire; (BKPL 002838-2839)
47. Office Depot Supply Agreement; (BKPL 002530-2536)
48. Office Depot OMNOVA pricing, 5/8/09; (BKPL 002486-2491)
51. Kyle Responses to Interrogatories;
53. Lavelle Non-Compete Agreement, 4/25/06;
54. Lavelle Employment Application, 4/07/06;
56. New hire Acknowledgement Sheet, 4/25/06;
57. Office Depot Information Security Handbook;
58. Lavelle, 2008 Manager Evaluation;
59. Lavelle e-mail to Stadell re: Resume for Lavelle (attached), 4/24/09; (GRN000025-28)
61. Lavelle e-mail to Stadell re: Greater Cleveland Metro.xls, 5/17/09; (GRN000065-66)
62. Lavelle e-mail to Stadell re: Wed conf call, 5/29/09; (GRN 000107-108, 110)
63. Lavelle e-mail to Stadell re: Next Steps on Cleveland, 5/21/09; (GRN 000076)
64. Flynn e-mail to Stadell re: Wed conf call, 5/26/09; (GRN 000102-103)
65. Offer letter to Lavelle, 6/1/09; (GRN000147-148)
66. Lavelle e-mail to Fisher re: resignation, 6/12/09;
67. Lavelle Declaration filed with the Court;
73. Jason Nickerson letter to Patrick Lavelle, 10/14/09;

- 74. Office Depot Fact Finding Questionnaire; (BKPL 001145-1147)
- 75. Document – Office Depot N. Canton Medical Foundation; (BKPL 002405-2413)
- 77. E-mails to and from Carol Johnson and Lavelle re: Impact, 11/19/09 and 11/20/09; (BKPL 003324)
- 78. E-mails to and from Shepherd of the Valley and Lavelle re: Impact, 11/30/09, 12/1/09 and 12/03/09; (BKPL 003320-3322)
- 79. Letter from Littler to Lavelle, Kyle and Herbert re Issuance of the TRO;
- 80. E-mails to and from Ameridial and Lavelle, 12/9/09 and 12/10/09; (BKPL 003277-3278)
- 81. E-mails to and from Ameridial and Lavelle, 12/4/09 and 12/7/09; (BKPL 003262-3295)
- 82. E-mails to and from Clinical Research Management Inc. and Lavelle, 12/10/09; (BKPL 003272-3276)
- 83. E-mails to and from Valmark and Lavelle, 12/14/09 and 12/16/09; (BKPL 003262-3263)
- 84. E-mails to and from Ameridial and Lavelle, 12/4/09, 12/7/09 and 12/16/09; (BKPL 003264-3265)
- 85. Lavelle Responses to Interrogatories;
- 86. Rule 30(b)(6) deposition notice for Office Depot;
- 88. Document – Office Depot Non-Competition, Confidentiality and Non-Solicitation Agreement; (OD0000429-434)
- 89. Document: Verified Complaint;
- 92. Document – Greater Akron Chamber – Office Depot (webpage);
- 93. Document – University of Florida – Purchasing (webpage);
- 94. Document – UC Davis, Alumni (webpage);
- 95. Document - Office Depot Supply Agreement with Republic Engineered Products; (OD 0000486-503)
- 96. Document - Office Depot Supply Agreement with Eddie Bauer; (OD0000676-703)
- 98. Document – Packet of pricing information; (BKPL 00111-167; BKPL 00251-305, 308-356, 358-378, 382-423, 613-615, 651-655, 696-701, 722-733, 890-925, 927-962, 1006-1007, 1124-1140, 1181-1183, 1187-1202, 1265-1268, 2712-2731, 1322-1349, 2789-2803, 2812-2837, 2843-2852, 2855-2865, 2878-2899, 2922-2934)
- 99. Global Information Security Policy; (OD0000097-158)
- 112. Impact's Proprietary and Nonsolicitation Agreement with Lavelle; (IMPACT 000032-35)
- 113. Impact's Proprietary and Nonsolicitation Agreement with Kyle; (IMPACT 000015-18)
- 114. Impact's Employee Handbook; (IMPACT 000044-84)
- 117. Lavelle e-mail to FitzPatrick re: Working Forecast.xls, 7/15/09; (IMPACT 000092-95)
- 119. Flynn e-mail to Stadell re: Compensation Proposal.xls, 5/12/09; (GRN 000051)

122. Kyle e-mail to FitzPatrick re: New Office Supplies Program, 7/9/09; (IMPACT 000096-97)
123. Kyle e-mail to FitzPatrick re ATSI, 6/30/09; (IMPACT 000099)
124. Document – Critical Indicators by Customer; (BKPL 002432-2434)
125. Letter from Jason Nickerson to Tim Flynn, 10/15/09;
136. Email from Tina Piatek to Kevin Mahadeo re: Terminated Employee, 6/15/09; (OD0001117-1118).
143. E-mail from Michelle Kapity of Kovatch Casting to David Fisher, 7/2/09; (OD 0001074)
- A. E-mail from Gagliardo to Georgia Capers, 10/7/09; (OD0000859-860)
- C. Impact Office Products, LLC. v. Dececco; (IMPACT000490-518)
- E. Kyle e-mail to Lavelle (Piatek Fwd), Cleveland Cord Blood Center, 6/5/09; (OD0001394-1398)
- F. Kyle e-mail to Lavelle (Piatek Fwd), Target List Cleveland, 6/5/09; (OD0001399-1402)
- G. Kyle e-mail to Lavelle (Piatek Fwd), Working Forecast, CLE Book of Lists, House Accounts, 6/5/09; (OD0001403-1554)
- H. Kyle e-mail to Lavelle (Piatek Fwd), Usage Report, OMNOVA Solutions, Printing, Supply Agreement, OMNOVA, 6/5/09; (OD0001555-1663)
- I. Kyle e-mail to Lavelle (Piatek Fwd), Rewards Benefit, Savings Pledge, Paper Promotion, 6/5/09; (OD0001664-1680)
- L. Lavelle e-mail to Fisher re PL Bonus, 3/20/09; (OD0001226-1227)
- M. Fisher e-mails to Piatek re Stark County quote, 7/28/09; (OD0001386-1388)
- N. CRRS Responses e-mail to Fisher, 8/10/09; (OD0001071-1072)
- R. Impact, Cleveland Conference Call; (IMPACT000154)
- S. Impact Training Schedule; (IMPACT000155-158)
- X. Ratcliffe e-mail to Kyle and Lavelle re October Monthly Numbers, 11/3/09; (IMPACT000282- 337)
- Z. Lavelle e-mails to Walper and/or FitzPatrick re Infocision, 7/15/10, 7/21/10 7/24/10, 8/24/10, and 8/25/10; (IMPACT000416-419, 453-455)
- BB. Lavelle Expense reports; (IMPACT000227)
- CC. Kyle Expense reports; (IMPACT000267)
- FF. Print out: Impact website;
- GG. Print out: United Stationers website;
- LL. Learning Activities (training) for Kyle, 11/24/09; (OD0000192)
- SS. Kyle email to OMNOVA, 7/19/09; (IMPACT000091)
- AAA. Document: Various Usage Reports; (BPKL002789-2836, 2843-2850, 2870-2872, 2878-2888, 2902-2908, 2922-2928, 2937-2957)
- BBB. Document: Suarez Corp. Supply Order Form; (BPKL001654-1655)
- CCC. Document: Lavelle – Customer Data;
- DDD. Letter from City of Cleveland to Office Depot, 2/20/09; (CLE000090-91)
- EEE. Letter from City of Cleveland to Office Depot, 3/31/09; (CLE000088-89)
- FFF. City of Cleveland, Bid Form; (CLE000100-107)
- GGG. Document: Kyle – Customer Data;

HHH. Document: GOPD; (IMPACT 000171)
III. E-mail from Lavelle to Phil Scott re Summit Academies, with attached US
Communities price list, 8/13/10; (IMPACT 000426-452)
JJJ. E-mail from Kyle to Bill Snyder re 90 Day Trial, with attached Impact
Purchasing Agreement Interstate, 5/26/10; (IMPACT000397-400)
LLL. Document: OfficeMax v. Tina Hewett and Impact Office Products, with attached
Boise Cascade Non-Competition Agreement; (IMPACT 000527-543) and
MMM. Document: Impact Customers and Sales Record. (IMPACT 000544)

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Joint Exhibit List* was filed electronically on November 8, 2010. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Edward H. Chyun
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